

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDF RENEWABLE DEVELOPMENT, INC.,

Plaintiff,

-against-

COUNTY OF SUFFOLK,

Defendant.
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Docket No.: CV-13-3361
(LDW)(ARL)

**DECLARATION OF
JOHN R. PETROWSKI
IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

JOHN R. PETROWSKI, an attorney duly admitted to practice law before the Courts of the State of New York and the United States District Court for the Eastern District of New York, alleges the following under penalty of perjury:

1. I am an Assistant County Attorney with the Office of Dennis M. Brown, Suffolk County Attorney and attorney of record for Defendant COUNTY OF SUFFOLK ("Defendant" or "County") in the above-captioned matter. I am fully familiar with the facts in this matter and submit this Declaration and the exhibits annexed hereto in opposition to the motion for summary judgment made by Plaintiff EDF RENEWABLE DEVELOPMENT, INC. ("Plaintiff" or "EDF").

2. Attached at **EXHIBIT A** is a copy of the Complaint brought by EDF.

3. Attached at **EXHIBIT B** is a copy of the County's Answer to the Complaint.

4. Attached at **EXHIBIT C** is a copy of the Lease between the County and Plaintiff's predecessor in interest, Eastern Long Island Solar Project, LLC ("ELISP" a/k/a "enXco"), for the installation and operation of solar carports at the Cohalan Court Complex in Central Islip, New York.

5. Attached at **EXHIBIT D** is a copy of the deposition transcript of Gerard Nolan, Director of EDF and supervisor to the Project Manager of the ELISP carport project, dated September 10, 2014.

6. Attached at **EXHIBIT E** is a copy of the deposition transcript of Lee Connor, Program Manager of EDF and Project Manager of the ELISP carport project, dated September 23, 2014.

7. Attached at **EXHIBIT F** is a copy of a letter dated August 2, 2010 from Michael Monaghan, Chief Engineer of the Suffolk County Department of Public Works (“DPW”), to Mr. Nolan outlining the requirements for the issuance of a building permit for the Ronkonkoma site and the other six sites being leased from the County to ELISP.

8. Attached at **EXHIBIT G** is a copy of an e-mail exchange between officials with DPW and EDF in connection with the building permit application package for the Ronkonkoma site submitted by EDF to DPW.

9. Attached at **EXHIBIT H** is a copy of the construction plans and drawings submitted by EDF to DPW in support of its application for a building permit to construct the carports at the Ronkonkoma site.

10. Attached at **EXHIBIT I** is a copy of the deposition transcript of Llewellyn Johnson, Assistant Architect of DPW, dated February 10, 2015.

11. Attached at **EXHIBIT J** is a copy of the deposition transcript of Michael J. Monaghan, Chief Engineer of DPW, dated December 29, 2014.

12. Attached at **EXHIBIT K** is a copy of the deposition transcript of Dennis M. Cohen, Chief Deputy County Executive and former County Attorney, dated September 12, 2014.

13. Attached at **EXHIBIT L** is a copy of the deposition transcript of James Smith, the County's designated expert in solar energy installations, dated February 26, 2015.

Dated: Hauppauge, New York
August 5, 2015

John R. Petrowski
JOHN R. PETROWSKI
Assistant County Attorney

TO: By U.S. Mail and E-Mail (w/o exhibits)
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